

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 10-71833 (AST)

GREGORY LUTZ AND
DONNA LUTZ,

Chapter 7

Debtors.

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**ORDER GRANTING BETHPAGE FEDERAL CREDIT UNION
RELIEF FROM THE AUTOMATIC STAY**

Upon the motion (the “Motion”)¹ of Bethpage Federal Credit Union (“Bethpage Federal”) for entry of an Order, pursuant to section 362(d) of the Bankruptcy Code, for relief from the automatic stay to permit it to exercise all of its rights and remedies under a mortgage it holds encumbering real property owned by Gregory Lutz and Donna Lutz (the “Debtors”), known as 57 Coles Avenue, Amityville, New York (the “Property”), including permitting Bethpage Federal to institute and prosecute a state court action to foreclose the mortgage and sell the Property at foreclosure; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that due and proper notice of the Motion and the relief requested therein has been given, and no other or further notice need be given; and upon the Motion and the exhibits thereto, and the full record in this case; and no objections having been interposed against the relief sought by Bethpage Federal in the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, and after due deliberation, and good and sufficient cause appearing therefor, it is

ORDERED THAT:

1. The Motion is granted.

¹ Capitalized terms used, but not otherwise defined herein, shall have the meanings ascribed to them in the Motion.

2. The automatic stay imposed by section 362 of the Bankruptcy Code is terminated as to Bethpage Federal with respect to the Property.

3. Bethpage Federal is authorized to do any and all acts necessary to enforce its rights with respect to the Property, including but not limited to, instituting and prosecuting a state court action to foreclose the mortgage and sell the Property at foreclosure.

4. The Trustee shall receive notice of any surplus monies that may exist after the sale or other disposition of the Property.

SO ORDERED: